

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



ROBERT GULLACE
Plaintiff,

v.

MUCHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant.

Case No. 1:11cv755

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation regarding the pending cross-motions for summary judgment by plaintiff Robert Gullace ("Gullace") and Michael J. Astrue, Commissioner of the Social Security Administration ("SSA"). *See Gullace v. Astrue*, No. 1:11cv755 (E.D. Va. Feb. 13, 2012) (Doc. 17) ("R&R"). In his Report and Recommendation, which was issued on February 13, 2012, the Magistrate Judge concluded that Gullace is not disabled within the meaning of the Social Security Act, 42 U.S.C. §§ 401 *et seq.* and the regulations interpreting the Act. R&R at 1. The Magistrate Judge thus recommends that Gullace's summary-judgment motion be denied and that SSA's summary-judgment motion be granted.

In his Report and Recommendation, the Magistrate Judge advised the parties that any objections must be filed "within 14 days after being served with a copy of this Report and Recommendation[.]" R&R at 45. *Accord* Rule 72(b)(2), Fed. R. Civ. P. (providing that "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations"). Because the Report and Recommendation was served on Gullace electronically, the time period during which Gullace was permitted to file written objections was extended from fourteen days

after the Report and Recommendation issued to seventeen days after its issuance. *See* Rule 6(d), Fed. R. Civ. P. Thus, Gullace had until Thursday, March 1, 2012 to file objections to the Report and Recommendation. Gullace filed no objections on or before that date.

Based on an independent *de novo* review of the record, the Magistrate Judge's findings of fact and conclusions of law as set forth in his Report and Recommendation are adopted in full.

For these reasons, and for good cause,

It is hereby **ORDERED** that the findings and conclusions of the Magistrate Judge's Report and Recommendation (Doc. 17) are **ADOPTED**.

It is further **ORDERED** that SSA's motion for summary judgment (Doc. 12) is **GRANTED**. It is further **ORDERED** that Gullace's motion for summary judgment (Doc. 14) is **DENIED**.

It is further **ORDERED** that the Clerk is **DIRECTED** to enter judgment in favor of defendants pursuant to Rule 58, Fed. R. Civ. P.

The Clerk is directed to send a copy of this Order to all counsel of record.

Alexandria, Virginia
March 2, 2012



T. S. Ellis, III
United States District Judge